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| 09/764,521      | 01/18/2001  | Raja Daoud           | 10002667-1          | 6409             |

7590 10/04/2003

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EXAMINER

BASOM, BLAINE T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2173

DATE MAILED: 10/04/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/764,521

Applicant(s)

DAOUD ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,438,592, which is attributed to Killian (and hereafter referred to as “Killian”). In general, Killian describes a system for dynamically improving the delivery time of web content from a server to a client computer located over a network. The client computer specifically monitors the time required to receive web pages from the server, and based on this monitored time, future web pages received from the server may be formatted in order to decrease the delivery time of the content (see the abstract). Therefore, for a user of a particular client computer, delivery time of content is optimized, and consequently, Killian is considered to teach a method for optimizing a computing session for a particular user.

Regarding claim 1, Killian discloses that, in response to an initial URL request from a client, the server transmits “performance monitoring” instructions to the client computer (see column 3, lines 23-46). These performance monitoring instructions are executed by the client computer when retrieving subsequent content from the server, and are responsible for sending to the server “performance messages” indicating the time required to receive and display such subsequent content (see column 3, lines 23-46). Depending on the content delivered, a

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performance message comprises either: the amount of time taken to download a web page from the server; the amount of time taken to download an individual web page component, such as a picture, from the server; the amount of time taken to execute a segment of code associated with a web page received from the server; the amount of time taken to submit an HTML form; or, the amount of time taken before the user aborts downloading a web page from the server (see column 8, line 57 – column 9, line 60). The server receives such performance messages from the multitude of clients computers with which it is associated, and uses the performance data comprised within such messages to generate three data structures: a “clientSpaceTree,” a “serverSpaceTree,” and a “msgHistory” (see column 9, line 61 – column 10, line 11). These three data structures are considered an “interaction profile” like that recited in the claimed invention, as they collectively describe the interaction between the server and each user, specifically by providing information regarding the delivery times of particular web page components, which are sent to users of the client computers in response to the user’s requests. For example, Killian discloses that for each client computer, a “browserID node” exists in the clientSpaceTree, and represents that client computer (see column 19, lines 32-55). More specifically, Killian discloses that each such browserID node comprises performance data relating to the client associated with the node (see column 21, lines 27-45). If this performance data indicates a problem for a particular client, such as an unacceptable length of time required to receive and download content from the server to the client, the browserID node associated with the client is designated as a “problemNode” (see column 26, lines 25-38). In response to subsequent requests by a client represented by such a problemNode, the server generates a “light version” of the requested web page and delivers it to the client (see column 25, line 46 – column

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26, line 11). The light version of the requested web page comprises fewer or small images in order to improve delivery time of the web page to the client (see column 4, lines 20-34). Thus to summarize, Killian describes a method for optimizing a computing session with a server for a particular user, the method comprising: a client computer monitoring the user's interaction with a computer during the computing session, or more specifically, monitoring the user's access of web pages displayed by the computer during the computer session; generating an interaction profile, which is maintained by a clientSpaceTree, a serverSpaceTree, and a msgHistory data structure, and which is based on the monitored user interaction; and lastly, optimizing the computing session with the server based at least in part on the generated interaction profile and a response policy, wherein particular, this response policy involves delivering lighter versions of web pages to the client if the interaction profile of the client shows an unacceptably high delivery time for content to the client.

In reference to claims 8 and 14-16, Killian discloses that the above-described method may be implemented using an applet delivered to the client computer, whereby this applet monitors user interaction through an Internet browser (see column 3, lines 34-63). For the reasons described above, it is understood that this data resulting from this monitored user interaction is used for generating an interaction profile and a response policy, and for updating this interaction profile, and wherein this interaction profile is used for optimizing the computing session with the server. A computer executing such an applet is therefore considered an apparatus, like that of claims 8 and 16, which is for optimizing a computing session for a particular user.

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With respect to claims 2-4, Killian discloses that the serverSpaceTree, which as stated above is part of an interaction profile, includes an "unloadTimeDistribution" for each web page provided by the server (see column 23, lines 31-53). This unloadTimeDistribution specifically describes the statistical distribution of "PageUnload" times for the page (see column 23, lines 44-48), whereby a PageUnload time refers to the amount of time before a user aborts downloading the particular web page (see column 9, lines 20-24). Thus, as expressed by Killian, this unloadTimeDistribution provides an indication of how patient users are in waiting for the page to be downloaded (see column 23, lines 44-48). It is understood that this unloadTimeDistribution is created using the data monitored and provided by the above-described performance messages, which are sent by each client computer associated with the server (for example, see column 9, lines 7-11). Moreover, it is understood that for the unloadTimeDistribution to be valid, a set number of abort times over a "recent" time duration must be monitored (for example, see column 36, lines 8-27). Generating the interaction profile described by Killian therefore comprises assigning a user patience level, which is particularly maintained by an unloadTimeDistribution, and whereby this user patience level is assigned in response to monitoring user abort time and user abort frequency, the user abort frequency being monitored to determine if the unloadTimeDistribution is valid. In addition to this unloadTimeDistribution, Killian discloses that the serverSpaceTree also maintains a count of the total number of pending URL requests for each web page, a count of the total number of delivered URL requests corresponding to each web page, and a count of the average time required for the server to receive a URL request for each web page and subsequently send out the data corresponding to the web page (see column 23, lines 26-30, and column 22, lines 52-66). It is understood that this data indicates user purpose,

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specifically the relative popularity of web pages as desired by the users. Since a URL request for a web page is associated with a particular set of instructions for extracting a particular set of data, as is known in the art, a URL request for a web page is considered a query. Generating the interaction profile described by Killian therefore also comprises identifying a user purpose, wherein such a user purpose is identified by monitoring user queries for web pages and measuring a time between these monitored queries, this time specifically being the average time required for the server to receive a query for a web page and subsequently send out the data corresponding to the web page.

In reference to claim 5, Killian discloses that the clientSpaceTree, which as described above is part of an interaction profile, comprises a "browserID" for each client associated with the server, whereby this browserID uniquely identifies the client (see column 21, lines 27-46). More particularly, this browserID uniquely identifies the browser application used by the client (see column 8, line 64 – column 9, line 6). Thus generating the interaction profile described by Killian necessitates gathering system data including this browserID, which is considered to uniquely identify the user platform, and more specifically, the browser application in use on this user platform. In addition, Killian discloses the serverSpaceTree, which as described above is part of an interaction profile, comprises a node for each file stored on the server (see column 22, lines 10-32). It is understood that such files comprise the web pages and web page components which are sent to the client computers (for example, see column 23, lines 31-53). As such web page components are logically deployed within the web pages, these web page components are considered "resources" like those recited in the present application. Thus generating the

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interaction profile described by Killian necessitates gathering system data including available resources.

In reference to claims 6-7, 9-10, and 17-19, Killian discloses the clientSpaceTree, which as described above is part of an interaction profile, maintains a "browserID node" for each client computer receiving web pages from the server (see column 19, lines 32-55). More specifically, Killian discloses that each such a browserID node comprises performance data relating to the client associated with the node (see column 21, lines 27-45). If this performance data indicates a problem for a particular client, such as an unacceptable length of time required to receive and download content from the server to the client, the browserID node associated with the client is designated as a "problemNode" (see column 26, lines 25-38). In response to subsequent requests by a client represented by such a problemNode, the server generates a "light version" of the requested web page and delivers it to the client (see column 25, line 46 – column 26, line 11). The light version of the requested web page comprises fewer or small images in order to improve delivery time of the web page to the client (see column 4, lines 20-34). Such images are web page components, and thus as expressed in the paragraph regarding claim 5, are considered resources. Consequently, Killian teaches optimizing the computing session by allocating a number of these resources based on the above-described interaction profile and response policy, the response policy involving the delivery of lighter versions of web pages to the client if the interaction profile of the client shows an unacceptably high delivery time for content to the client. Thus the number of resources are allocated to optimize delivery time of the web for a particular client. By the same reasoning, Killian teaches optimizing the computing session by



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formatting output for the browser application by dictating a level of display detail based on the above-described interaction profile and response policy.

As per claims 11-13, and 20, Killian teaches generating an interaction profile, which is maintained by a clientSpaceTree, a serverSpaceTree, and a msgHistory data structure, and which is based on the monitored user interaction, as is described above in the rejection for claim 1. As shown above in the rejection of claims 2 and 5, this interaction profile maintains system data and user data, wherein the user data includes user purpose and user patience level, and wherein the system data includes at least a platform type, an application ID, and resource availability. Thus in regard to claim 20, Killian is understood to present a means for assigning a user patience level; a means for identifying a user purpose; and a means for creating a session ID, i.e. application ID, which is based on the assigned user patience level and identified user purpose.

### ***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. The Odom U.S. Patent cited therein presents a method for optimizing web pages delivered to particular users, wherein an interaction profile consisting of a user patience level and user purpose is constructed to optimize the web pages. The Siefert U.S. Patent cited therein discloses a method for enhancing computer-assisted performance, wherein user interaction is monitored to generate an interaction profile, and based upon this profile, the interface of a computer application is adjusted in order to

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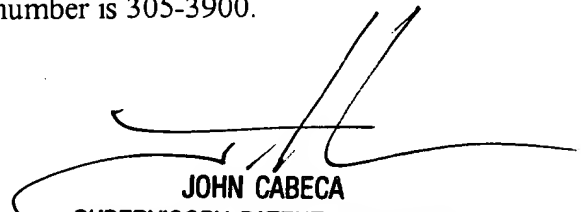
increase the user's performance. Lastly, the Cullis U.S. Patent cited therein presents a method for optimizing the content retrieved during a user-initiated search.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

btb



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